

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ARTURO TOLENTINO,

*pro se* Plaintiff,

-against-

JENNIFER MITCHELL, M.D., Medical Physician :  
at Arthur Kill Correctional Facility; and :  
J. KAPLAN, M.D., Medical Physician at Arthur :  
Kill Correctional Facility, :

Defendants. :  
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**ORDER**

03-CV-6175 (DLI)(LB)

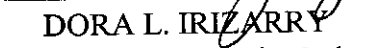
**DORA L. IRIZARRY, U.S. District Judge:**

The court is in receipt of a letter, dated April 4, 2006, from defendant Joshua Kaplan M.D.'s counsel, clarifying footnote two of the Report and Recommendation of the Honorable Lois Bloom, U.S.M.J. It is duly noted that the declaration of Leonard Stern, M.D. was submitted in support of defendant Joshua Kaplan's motion for summary judgment. Thus, no objections having been filed to the Report and Recommendation of the Honorable Lois Bloom, U.S.M.J., dated March 31, 2006; and upon consideration, the Report and Recommendation is hereby adopted in full. Accordingly, it is hereby

ORDERED that the instant action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b); and it is further hereby

ORDERED that service of a copy of this Order shall be made by the Clerk of this Court by forwarding a copy hereof to all parties.

DATED: Brooklyn, New York  
April 11, 2006

  
DORA L. IRIZARRY  
United States District Judge